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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/789,108	02/26/2004	Scott M. Stole	10139.31US01	7594
7590	01/07/2009		EXAMINER	
Merchant & Gould P.C. P.O. Box 2903 Minneapolis, MN 55402-0903			ARBES, CARL J	
			ART UNIT	PAPER NUMBER
			3729	
			MAIL DATE	DELIVERY MODE
			01/07/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/789,108	<b>Applicant(s)</b> STOLE, SCOTT M.
	<b>Examiner</b> C. J. Arbes	<b>Art Unit</b> 3729

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED. (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 11 October 2007.  
 2a) This action is FINAL.      2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-22 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-22 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 26 February 2004 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)           | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1668) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>herein</u> .   | 6) <input type="checkbox"/> Other: _____                          |

After reconsideration and finding of what is believed more pertinent prior art, the following non-Final Office Action is now provided.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Isen et al (Pat. No, 5,763,058); hereinafter Isen et al.

Isen et al teach an electrical circuit component formed of a conductor printed on a flexible substrate (Cf. Col 3). Isen et al also teach that a battery can be made having electrodes 816 and 820 and an electrolyte 818. (Cf. Cols. 11, 12 and Fig. 8) It would have been obvious to place the battery between two insulation layers if in fact Isen et al do not teach this limitation with the rationale being to provide a flexible battery with all the attributes thereof. Isen et al also teach there can be a lamination means (instead of a printing means) to laminate plastic onto a surface which has an electrically conductive pattern (Cf. Col. 8). Furthermore Isen et al teach that there can be holes (or vias) in the insulator which can connect to the electrically conductive patterns. It would have been obvious to provide a battery on an insulating layer having terminals if in fact Isen et al do not teach such a limitation since terminals are necessarily needed for the battery's operation. As applied to claim 6 it is held to be within the skill of a PHOSITA to remove a portion of the 1<sup>st</sup> insulation layer in order to create a spot for at least one battery. As further applied to claim 13 it is held to have been obvious to use a polyimide

(thermoplastic) because of that material's well-known high flexibility and heat resistance. As applied to claims 21 and 22 it is held to mere design choices to provide a plurality of batteries in a single conductive layer or provide at least one battery in each of a plurality of insulating and conductive layers. N.B. that Isen et al teaching a continuous method of printing Cf. Fig 5 and Col. 7). It is held that the limitations recited in said claims 21 and 22 solve no specific problem nor are for any particular purpose.

Alternatively the limitations are held to obvious in view of Isen et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to C. J. Arbes whose telephone number is 571-272-4563. The examiner can normally be reached on M, T, R and F from 8 to 6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, P. Vo, can be reached on 571-272-4690. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/C. J. Arbes/  
Primary Examiner, Art Unit 3729

Application/Control Number: 10/789,108

Art Unit: 3729

Page 4